

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE EQUIFAX INC. CUSTOMER)	
DATA SECURITY BREACH)	MDL Docket No. 2800
LITIGATION)	Case No. 1:17-md-2800
)	CONSUMER TRACK
)	<i>Block v. Equifax, Inc., et al.</i>
)	Member Case No. 1:17-cv-05341
)	

**INDIVIDUAL DEFENDANTS'
MOTION FOR CLARIFICATION**

Individual Defendants Richard F. Smith, Susan Mauldin, Graeme Payne, Mary Hannan, Harold Boutin, Robert Friedrich, Vidya Sagar Jagadam, Lara Pearson, Shea Giesler, Cliff Barbier, and Joe Sanders (collectively “Individual Defendants”), with consent of the Consumer Plaintiffs and the Financial Institution Plaintiffs, respectfully seek clarification from the Court regarding their obligation to answer or otherwise respond to the complaint filed by Plaintiff Carson Block (“Block”). (*See generally* Compl., Member Case No. 1:17-cv-05341 [hereinafter, “Block Compl.”].)

As explained in prior briefing, Block generally challenges the adequacy of data security protections at Equifax¹ and its handling of a data breach that occurred in 2017. In addition to suing Equifax, Inc., he has tacked on eleven current and former Equifax employees (the “Individual Defendants”), which, “[o]n information and belief,” he alleges acted negligently in safeguarding consumer data at Equifax. (*See* Block Compl. ¶¶ 10-20.)

Block’s case has been assigned to the Consumer Track established by the Court. (*See* Case Management Order No. 2 [Doc. No. 87] at Ex. 1.) In the same order making that assignment, the Court directed that “[n]o pleadings . . . will be filed in any of the dockets that have been established for the individual cases that are part of this multidistrict litigation.” (*Id.* at 4.) Rather, it explained that those cases would be administratively closed. (*Id.*) Thereafter, the Court specified that “Defendant’s time to respond to any individual complaint is hereby suspended without date.” (*See* Case Management Order No. 3 [Doc. No. 248] at 2.)

Despite the use of the singular, “Defendant,” in the above-quoted sentence, the Individual Defendants read the Court’s orders as not requiring—and, indeed, expressly prohibiting—the filing of any individual answers or

¹ For ease of reference, the Individual Defendants refer to Equifax, Inc., Equifax Information Services LLC, and Equifax Consumer Services LLC, individually and collectively, as “Equifax.”

responsive pleadings in the Block Action. Out of an abundance of caution, however, they respectfully request that the Court clarify that they are not required to file a responsive pleading to the Block Complaint notwithstanding the Court's partial denial of the motion to dismiss the consolidated Consumer Track complaint.

Undersigned counsel for Ms. Mauldin and Mr. Sanders have conferred with counsel for the Consumer Plaintiffs and counsel for the Financial Institution Plaintiffs, who both consent to the motion.

THEREFORE, the Individual Defendants respectfully request that the Court clarify that they are not required to file an answer or other responsive pleading to the Block complaint. A proposed order is attached as Exhibit A for the Court's consideration.

Respectfully submitted this 8th day of February, 2019.

[Signatures appear on following pages.]

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CERTIFICATE OF COMPLIANCE

By his signature below, and as required by Local Rule 7.1.D., counsel for Defendants Susan Mauldin and Joe Sanders certifies that the foregoing document, which was prepared using 13-point Book Antiqua font, was served on all counsel of record by filing the same on the Court's CM/ECF system.

This 8th day of February, 2019.

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